

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1, 9-16, 17, 33-48, 49 and 50 have been amended. No claims have been added or cancelled. Hence, Claims 1-50 are pending in the application.

### **SUMMARY OF THE REJECTIONS/OBJECTIONS**

Claims 9-16 and 33-48 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-50 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 11/350,371 to Adam Kowala et al. ("Kowala").

Each issue raised in the Office Action mailed June 22, 2007 is addressed hereinafter.

### **SUBSTANCE OF EXAMINER INTERVIEW ON JULY 13, 2007**

A complete written statement as to the substance of any telephone interview with regard to the merits of an application must be made of record in the application. MPEP 713.04. A telephonic interview was conducted between the Examiner and Applicant's representative on July 13, 2007. No exhibits were shown or demonstrations conducted during the interview. Nor were any claims or prior art references discussed. Thus, the substance of the interview did not touch upon the merits of an application. Nevertheless, a complete written statement as to the substance of the interview is provided hereinafter.

During the interview Applicant's Representative informed the Examiner that an initialed copy of the Information Disclosure Citation Form PTO-1449 mailed on February 3, 2007 was not included with the Office Action mailed on June 22, 2007. In the interview, the Examiner agreed to sign and date the Information Disclosure Citation Form and submit it. Applicant notes that a copy of the Information Disclosure Citation Form signed and dated by the Examiner was mailed to Applicant's representative on July 19, 2007.

### THE PENDING CLAIMS SATISFY 35 U.S.C. § 101

Claims 9-16 and 33-48 were rejected as allegedly directed to non-statutory subject matter. Specifically, the Office Action asserts that Applicant's Specification discloses computer-readable medium to include non-statutory intangible transmission media. Hence, Claims 9-16 and 33-48 are amended to replace "computer-readable medium carrying" with "computer-readable **storage** medium **storing**". This amendment limits Claims 9-16 and 33-48 to tangible embodiments that are articles of manufacture within 35 U.S.C. § 101 (e.g., volatile or non-volatile memory). Therefore, withdraw of the rejection under 35 U.S.C. § 101 is respectfully requested.

### THE PENDING CLAIMS ARE PATENTABLE OVER KOWALA

Claims 1-50 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Kowala*. The rejection is respectfully traversed.

To anticipate a claim, the cited reference must teach each and every element of the claim. MPEP § 2131. As explained hereinafter, each pending claim recites at least one limitation that is not disclosed, taught, or suggested by *Kowala*.

#### CLAIM 1

Claim 1 requires, among other things, "receiving **at a web services broker**, from a source, a request for information from a particular web service ... wherein **the source is a client application, separate from the web services broker, that does not have logic for directly interacting with said particular web service**". *Kowala* does not teach or suggest these limitations in any way.

*Kowala* discloses a module testing tool for web services. Unlike the web services broker recited in Claim 1, the module testing tool disclosed by *Kowala* does not receive from a separate source client application a request for information from a particular web service.

Instead, the module testing tool directly requests information from the particular web service. See *Kowala*, paragraph 46. Indeed, the module testing tool does not receive a request because it itself is the source of the request. In contrast, the web services broker recited in Claim 1 acts as an intermediary between a separate source client application and a particular web service. The lack of the intermediary is a key patentable difference between *Kowala* and the invention as recited in Claim 1.

By acting as an intermediary, the web services broker recited in Claim 1 functions to isolate client applications from web services that the applications invoke. Thus, client applications can be developed more generically, without being written specifically to invoke a particular web service. In contrast, *Kowala* teaches a client application written specifically to exercise a particular web service. In *Kowala*, there is no intermediary between the client application and the exercised web service nor is it desirable to have an intermediary because the very purpose of the client application disclosed in *Kowala* is to obtain and analyze results for behavior of a particular web service. See *Kowala*, paragraphs 25 & 46. Stated otherwise, *Kowala* does not teach or suggest a need to isolate client applications from web services that the applications invoke. Thus, the client application in *Kowala*, unlike the client application recited in Claim 1, contains logic for directly interacting with a particular web service.

Based on the foregoing, because *Kowala* fails to teach or suggest all the limitations of Claim 1, Claim 1 is patentable over the cited art. Therefore, withdraw of the rejection under 35 U.S.C. § 102(e) with respect to Claim 1 is respectfully requested.

#### CLAIMS 17, 49 & 50

Claims 17, 49, & 50 contain limitations similar to the limitations recited by Claim 1 that is deemed to be in condition for allowance. Therefore, withdraw of the rejection of Claims 17, 49 & 50 for at least the reason given with respect to Claim 1 is respectfully requested.

## REMAINING CLAIMS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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